Supreme Court, U.S.
FILED
JUN 11 1997
OFFICE OF THE CLERK

(3)

No. 96-1747

In The
Supreme Court of the United States
October Term 1996

Hyok S. Lew,
Pro se Petitioner
v.

Rosemount, Inc.
Respondent

On Petition For Writ Of Certiorari
To The U.S. Court of Appeals For The Federal Circuit

REPLY TO BRIEF IN OPPOSITION

Hyok S. Lew
7890 Oak Street
Arvada, CO 80005
Tel.: (303) 420-2784

Pro se Petitioner

5 pp

QUESTIONS PRESENTED

The primary questions presented for review by the Supreme Court are the racially prejudiced attitudes and the extremely biased actions favoring the defendant and definitely hostile to the plaintiff, which have been adopted by the district judge and the magistrate judge who presided over the lawsuit in the United States District Court for the District of Colorado. Even though it is not the issue which warrants the attention of the Supreme Court, the fraud and misrepresentations perpetrated by the counsels for defendant during the proceedings of the lawsuit in the U.S. District Court should be looked into by the Supreme Court as a secondary question, because such fraud and misrepresentations played instrumental roles in turning the district judge and the magistrate judge against the plaintiff and in providing the fraudulent information which were used to author the fallacious grounds for the dismissal of the lawsuit with prejudice by the magistrate judge. In other words, the secondary question is directly related to the merit of the issues raised by the primary questions.

In view of the respondent's questions for review raised in the Brief In Opposition For Writ Of Certiorari, the petitioner would like to ask this Court to review the following questions:

1. Does it not constitute a cognizable question by the Supreme Court that the district judge and the magistrate judge had acted in a racially prejudiced and ultimately inequitable manner against the petitioner-plaintiff during the lawsuit?

2. Does it not constitute an offense punishable by law to lie before this Court and other courts by the counsels for defendant?

3. Is it not possible that there could have been an inadvertent oversight in the Court of Appeals?

FALSE STATEMENT OF THE CASE BY RESPONDENT

In the Petitioner Hyok S. Lew's Petition For Writ of Certiorari, the petitioner-plaintiff has presented the reasons why this Court should exercise its discretion and review the United States District Court's decision, e.g.,

1. It is unconstitutional to racially discriminate and mistreat the petitioner-plaintiff in the lawsuit by the district judge and the magistrate judge.

2. It is unconstitutional to deprive the petitioner-plaintiff's civil right to receive a fair trial, as the district judge and the magistrate judge had condoned and abetted fraud and misrepresentations by the counsels for defendant in the lawsuit, and had dismissed the lawsuit with prejudice based on the fallacious grounds fictitiously authored by the magistrate judge by relying solely on the fraudulent information and materials provided by the counsels for defendant.

3. It is unconstitutional to deprive the petitioner-plaintiff's right to speak out truthfully about the events pertinent to the lawsuit by the district judge and the magistrate judge by means of intimidation and threats.

4. It is unconstitutional to deny due process to the petitioner-plaintiff by the district judge and the magistrate judge, who had refused even to make a single ruling on any of the plaintiff's motions numbering at least twenty (20), while instantly and automatically granting numerous defendant's motions numbering at least twenty (20).

The respondent's description of the case is replete with lies, which are tantamount to willful false statements punishable by law. (1) Contrary to the respondent's allegations, the plaintiff had not refused to comply with even a single Court Order, as the Court had failed to enter and issue the specific Court Orders, or the plaintiff had appealed the unlawful Court Orders to the Court of Appeals for the Tenth Circuit. Please, let the district court or the counsels for defendant cite a court order or orders, which the plaintiff refused to comply with. They cannot

because the respondent's allegation amounts to nothing more than blatant lies. (2) Contrary to the respondent's allegation, the plaintiff never "firmly and unalterably" refused to appear for his deposition. The counsels for defendant had never notified the plaintiff as to his deposition in a formal and legitimate manner. The counsels for defendant and the magistrate judge colluded to trick the plaintiff in their attempt to take deposition of the plaintiff without notifying the plaintiff in a legitimate manner. (3) Contrary to the respondent's allegation, the plaintiff never obstructed the defendant's effort to serve a third party subpoena. Firstly, the third party was not a family-run corporation and the plaintiff's wife was never a member of this third party. Secondly, the plaintiff was never related to the third party and had never obstructed the defendant's effort to serve the subpoena to the third party. This Court's attention must be called to this brazen act of this willful false statement by the counsels for defendant that is punishable by law. (4) It is the right of the petitioner not to accept the stipulation to the translation, as the counsels for defendant wanted to make it "the translation" while the plaintiff wanted to make it "a translation". Above all, the issue of the translation was pending under a motion filed by the plaintiff that was pending for at least six (6) months and yet, the district judge was willfully avoiding and refusing to make a ruling on the motion. This so called refusal to accept the stipulation is another lie fabricated by the counsels for defendant and the magistrate judge under mutual collusion. (5) It is a false accusation by the counsels for defendant and the court that the plaintiff hurled invective accusations at the counsels for defendant. The plaintiff spoke out against the lies and misrepresentations made by the counsels for defendant, which fact and truth is proven by the records of the lawsuit. The racially prejudiced and ultimately biased district judge and the magistrate judge were adversely influenced by the lies and the fallacious pleadings filed by the counsels for defendant, and consequently, accused the plaintiff for

speaking out the truth as to the unlawful acts committed by the counsels for defendant. (6) It is the defense counsels' false statement that "prior to dismissal, Magistrate Judge issued numerous warnings to petitioner, but no avail". The magistrate judge warned only once that he will recommend the dismissal of the lawsuit if the plaintiff does not comply with his order as to the deposition of the plaintiff by the defendant. However, the magistrate judge forgot to issue any order as to the plaintiff's deposition by the counsels for defendant and then, attempted to cover up his forgetfulness or mistake by recommending the dismissal of the lawsuit with prejudice that the district judge blindly accepted without knowing all of the pertinent facts and truth.

REASONS FOR GRANTING THE PETITION

1. The racially prejudiced and extremely biased acts and manners of the district judge and the magistrate judge directed against the petitioner-plaintiff is "departure from the accepted and usual course of judicial proceedings" and consequently, the petition should be granted.

2. It is an outrageous act absolutely unbecoming of a judicial officer to accuse the petitioner-plaintiff's decision to become a pro se plaintiff by the magistrate judge who stated "terribly, terribly foolish decision on your (plaintiff's) part", for the alternative was abandoning the lawsuit or heading straight to bankruptcy under the burden of attorney's fee. As a matter of fact, the counsels for defendant tried very hard to force the petitioner-plaintiff to retain one or more counsels for the plaintiff as well as a paid expert or experts. The petitioner-plaintiff has to often wonder whether the magistrate judge was so angry at the petitioner-plaintiff because the petitioner-plaintiff had insisted to become a pro se plaintiff as he had no other alternative, and because the magistrate judge was unable to help the counsel for defense to fulfill their wish as to forcing the petitioner-plaintiff to hire counsels.

3. The petitioner-plaintiff believes that it is within the province of the Court of Appeals to issue a judgment of affirmance without opinion. The petitioner-plaintiff is not disputing the judgment of affirmance without opinion by the Court of Appeals. The petitioner-plaintiff is merely asking this Court to review the PETITION for the sake of justice.

CONCLUSION

The argument by the respondent being fallacious and nonfactual, the PETITION FOR WRIT OF CERTIORARI should be granted.

Date: June 10 , 1997 Respectfully submitted,

By: Hyok Sang Lew

Hyok S. Lew, Pro se Plaintiff
7890 Oak Street
Arvada, CO 80005
Tel.: (303) 420-2784

Petitioner